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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,272	02/27/2004	Elaine W. Jin	86387SHS	9378
7590 Pamela R. Crocker Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201				
EXAMINER				
LEE, JOHN W				
ART UNIT		PAPER NUMBER		
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05/12/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/789,272

**Applicant(s)**

JIN ET AL.

**Examiner**

JOHN LEE

**Art Unit**

2624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2011.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-61 is/are pending in the application.  
4a) Of the above claim(s) 1, 3-6, 8, 12-14, 17-18, 21, 24-57 is/are withdrawn from consideration.  
5) ☒ Claim(s) 2, 7, 9-11, 15, 16, 19, 20, 22, 23, 58 and 59 is/are allowed.  
6) ☒ Claim(s) 60-61 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

- Claims 2, 7, 9-11, 15-16, 19-20, 22-23 and 58-61 pending.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 March 2011 has been entered.

#### ***Response to Arguments/Amendments***

2. Applicant's arguments with respect to claims 60-61 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

3. Claim 60 is objected to because of the following informalities: There is a "." in the last third line of claim 60. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 60-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson et al. (US 2004/0189720 A1).

a. Regarding claim 60, Wilson discloses a stereoscopic display system customized for an individual user's perceptual characteristics for stereoscopic viewing (Fig. 12-1200; ¶ 0110), comprising:

a) a stereoscopic image source (Figs. 12-1206 and 1212; "camera" at ¶ 0110) adapted to provide different stereoscopic images for each of a plurality of user categories, each user category corresponding to a cluster of users having common perceptual characteristics for stereoscopic viewing and being characterized by a category-specific stereoscopic disparity range limit, the stereoscopic disparity range limit being the range of disparities in a stereoscopic image that the cluster of users can comfortably fuse, wherein the stereoscopic images for each user category are rendered according to the corresponding category-specific stereoscopic disparity range ("The claim language after "adapted to" will not have a patentable weight because the claim

scope is not limited by this claim language that suggests or makes optional but does not require steps to be performed<sup>1</sup>.");

b) a stereoscopic display device (Fig. 12-1218; "monitor" at ¶ 0110); and

c) a data processor (Fig. 12-1220; "computer system" at ¶ 0111) for associating the a first individual user (Fig. 12-1210; "first user" at ¶ 0110) with a first one of the plurality of user categories according to the individual user's perceptual characteristics for stereoscopic viewing (Fig. 12-1211; "engagement volume" at ¶ 0110);

associating a second individual user (Fig. 12-1216; "second user" at ¶ 0110) with a second one of the plurality of user categories according to the individual user's perceptual characteristics for stereoscopic viewing (Fig. 12-1217; "engagement volume" at ¶ 0110);

receiving first and second stereoscopic images from the stereoscopic image source corresponding to the associated first and second user (Fig. 12-1207; "wireless or wireless network" at ¶ 0111);

displaying the first received stereoscopic image on the stereoscopic display device for the first user (Fig. 12-1218; "content A" at ¶ 0111); and.

displaying second received stereoscopic image on the stereoscopic display device for the second user (Fig. 12-1218; "content B" at ¶ 0111).

b. Regarding claim 61, Wilson discloses wherein the first or second individual user is associated with one of the plurality of user categories by characterizing the individual users's perceptual characteristics for stereoscopic viewing

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<sup>1</sup> See MPEP § 2111.04

and determining the user category that most closely matches the user's perceptual characteristics for stereoscopic viewing (¶0110-0111).

***Allowable Subject Matter***

6. Claims 2, 7, 9-11, 15-16, 19-20, 22-23 and 59-59 are allowed.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN LEE whose telephone number is (571)272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call  
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN W. LEE/

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